

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JEFFREY JEROME TAYLOR,  
Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,  
Defendant.  
-----X

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

13 CV 5995 (VB)

Briccetti, J.:

Before the Court is Magistrate Judge Paul E. Davison’s Report and Recommendation (“R&R”), dated April 9, 2014 (Doc. #17), on defendant’s motion for judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c). (Doc. #11). Although plaintiff filed a response to defendant’s motion, he did not address the arguments raised therein. (Doc. #14). Judge Davison nonetheless recommended the Court deny defendant’s motion and remand this case for further administrative proceedings pursuant to 42 U.S.C. § 405(g), sentence four.

The Court presumes familiarity with the factual and procedural background of this case.

For the following reasons, the Court adopts the R&R as the opinion of the Court, denies defendant’s motion for judgment on the pleadings, and remands the case for further administrative proceedings consistent with the R&R, pursuant to 42 U.S.C. § 405(g), sentence four.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise objections to the magistrate judge’s report and recommendation, but they must be “specific[,] written,” and submitted within 14 days after being

served with a copy of the recommended disposition. Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1).

Insofar as a report and recommendation deals with a dispositive motion, a district court must conduct a de novo review of those portions of the report or specified proposed findings or recommendations to which timely objections are made. 28 U.S.C. § 636(b)(1)(C). The district court may adopt those portions of a report and recommendation to which no timely objections have been made, provided no clear error is apparent from the face of the record. Lewis v. Zon, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008); Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). The clearly erroneous standard also applies when a party makes only conclusory or general objections, or simply reiterates his original arguments. Ortiz v. Barkley, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008).

Plaintiff filed an objection to the R&R (Doc. #18), asserting essentially the same claims he made in his complaint. (Doc. #2). Defendant did not object to the R&R.

The Court has carefully reviewed Judge Davison's thorough and well-reasoned R&R and finds no error, clear or otherwise.

### **CONCLUSION**

The R&R is adopted in its entirety as the opinion of the Court.

Defendant's motion for judgment on the pleadings is DENIED.

The case is REMANDED for further administrative proceedings consistent with the R&R, pursuant to 42 U.S.C. § 405(g), sentence four.

The Clerk is instructed to enter Judgment accordingly and close this case.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

Dated: May 21, 2014  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge